

EXECUTIVE JOURNAL.

[EIGHTH SESSION.]

The Proceedings of the Senate in their Executive capacity, being the 1st session of the 3d Congress, and the 8th session of the Senate, begun and held at the City of Philadelphia, December 2d, 1793.

THURSDAY, DECEMBER 5, 1793.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, December 5th, 1793.

Gentlemen of the Senate:

I nominate Stephen Moylan to be Commissioner of Loans for the State of Pennsylvania, vice Thomas Smith, deceased.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

FRIDAY, DECEMBER 6, 1793.

The Senate proceeded to consider the nomination of Stephen Moylan, contained in the message of the President of the United States, of the 5th instant; and

Resolved, That they advise and consent to the appointment accordingly.

Ordered, That the Secretary lay this resolution before the President of the United States.

MONDAY, DECEMBER 9, 1793.

A written message from the President of the United States, was communicated by Mr. Dandridge, his Secretary.

UNITED STATES, December 9th, 1793.

Gentlemen of the Senate:

I nominate Walter Stewart to be Surveyor for the district of Philadelphia, and Inspector of the Revenue for the port of Philadelphia, vice William McPherson, appointed Naval Officer; and Daniel Lionel Huger, of South Carolina, to be Marshal for the district of South Carolina, vice Isaac Huger, resigned.

Go. WASHINGTON.

The message was read; and

Ordered, That it lie for consideration.

TUESDAY, DECEMBER 10, 1793.

The Senate took into consideration the message of the President of the United States, containing the nominations of Walter Stewart and Daniel Lionel Huger, to the offices therein mentioned; and

Resolved, That the Senate advise and consent to the respective appointments, conformable to the nominations.

Ordered, That the Secretary lay this resolution before the President of the United States.

MONDAY, DECEMBER 16, 1793.

The following written messages were received from the President of the United States, by Mr. Dandridge, his Secretary, and read:

UNITED STATES, December 16th, 1793.

Gentlemen of the Senate, and of the House of Representatives:

The situation of affairs in Europe, in the course of the year 1790, having rendered it possible that a moment might arrive favorable for the arrangement of our unsettled matters with Spain, it was thought proper to prepare our representative at that court to avail us of it. A confidential person was therefore despatched to be the bearer of instructions to him, and to supply, by verbal communications, any additional information of which he might find himself in need. The government of France was, at the same time, applied to for its aid and influence in this negotiation. Events, however, took a turn which did not present the occasion hoped for.

About the close of the ensuing year I was informed, through the representatives of Spain here, that their government would be willing to renew at Madrid the former conferences on these subjects. Though the transfer of scene was not what would have been desired; yet I did not think it important enough to reject the proposition; and therefore, with the advice and consent of the Senate, I appointed commissioners plenipotentiary for negotiating and concluding a treaty with that country, on the several subjects of boundary, navigation and commerce, and gave them the instructions now communicated. Before these negotiations, however, could be got into train, the new troubles which had arisen in Europe, had produced new combinations among the powers there, the effects of which are but too visible in the proceedings now laid before you.

In the mean time, some other points of discussion had arisen with that country, to wit: the restitution of property escaping into the territories of each other, the mutual exchange of fugitives from justice, and above all, the mutual interferences with the Indians lying between us. I had the best reason to believe that the hostilities threatened and exercised by the southern Indians on our border were excited by the agents of that government. Representations were thereon directed to be made by our commissioners to the Spanish government, and a proposal to cultivate, with good faith, the peace of each other with those people. In the mean time, corresponding suspicions were entertained, or pretended to be entertained, on their part, of like hostile excitements by our agents to disturb their peace with the same nations. These were brought forward by the representatives of Spain here, in a style which could not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between

them and us by that sovereign assumed; their boundaries with us made a subject of his interference; and, at length, at the very moment when these savages were committing daily inroads upon our frontier, we were informed by them that "the continuation of the peace, good harmony, and perfect friendship of the two nations, was very problematical for the future, unless the United States should take more convenient measures and of greater energy than those adopted for a long time past."

If their previous correspondence had worn the appearance of a desire to urge on a disagreement, this last declaration left no room to evade it, since it could not be conceived we would submit to the scalping-knife and tomahawk of the savage without any resistance. I thought it time, therefore, to know if these were the views of their sovereign; and despatched a special messenger with instructions to our commissioners, which are among the papers now communicated. Their last letter gives us reason to expect very shortly to know the result. I must add, that the Spanish representatives here, perceiving that their last communication had made considerable impression, endeavored to abate this by some subsequent professions, which, being also among the communications to the legislature, they will be able to form their own conclusions.

Go. WASHINGTON.

UNITED STATES, December 16th, 1793.

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a report of the Secretary of State, on the measures which have been taken on behalf of the United States for the purpose of obtaining a recognition of our treaty with Morocco, and for the ransom of our citizens, and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last letters sent herewith, is one of these. Both justice and policy require that the source of that information should remain secret. So a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

Go. WASHINGTON.

FRIDAY, DECEMBER 27, 1793.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, December 27th, 1793.

Gentlemen of the Senate:

I nominate the following persons to fill the offices annexed to their names respectively; to which, having fallen vacant during the recess of the Senate, they have been appointed:

John Fitzgerald, of Virginia, to be Collector for the district of Alexandria, vice Charles Lee, resigned.

John Hobby, of Maine district, to be Marshal of and for the said district, vice Henry Dearborn, resigned.

Nicholas Fish, of New York, to be Supervisor for the district of New York, vice John Armstrong, who declined accepting.

Hardy Murfree, of North Carolina, to be Inspector of the Revenue for Survey No. 2, in the district of North Carolina, vice Samuel Tredwell, resigned.

Joseph Tucker, of Massachusetts, to be Collector for the district of York, and Inspector of the Revenue for the port of York, vice Richard Trevett, deceased.

Daniel Delozier, of Maryland, to be Surveyor for the district of Baltimore, and Inspector of the Revenue for the port of Baltimore, vice Robert Ballard, deceased.

Samuel Hitchcock, of Vermont, to be Judge of the District Court in and for Vermont district, vice Nathaniel Chipman, resigned.

Robert Forsyth, of Georgia, to be Marshal of and for the Georgia district, continued—the legal term of his former appointment having expired.

Samuel McDowell, of Kentucky, to be Marshal of and for the Kentucky district, continued—the legal term of his former appointment having expired.

Thomas Lowry, of New Jersey, to be Marshal of and for the New Jersey district, continued—the legal term of his former appointment having expired.

Allan McLean, of Delaware, to be Marshal of and for the Delaware district, continued—the legal term of his former appointment having expired.

Nathaniel Ramsay, of Maryland, to be Marshal of and for the Maryland district, continued—the legal term of his former appointment having expired.

Philip Bradley, of Connecticut, to be Marshal of and for the Connecticut district, continued—the legal term of his former appointment having expired.

David Lenox, of Pennsylvania, to be Marshal of and for the Pennsylvania district, vice Clement Biddle, resigned.

Vincent Gray, of Virginia, to be Surveyor for the district of Alexandria, and Inspector of the Revenue for the port of Alexandria, vice Samuel Hanson, resigned.

David Austin, of Connecticut, to be Collector for the district of New Haven, vice Jonathan Fitch, deceased.

John Brackenridge, of Kentucky, to be Attorney for the United States in and for the district of Kentucky, vice George Nicholas, resigned.

Robert Scott, of Pennsylvania, to be Engraver for the Mint.

William McPherson, of Pennsylvania, to be Naval Officer for the district of Philadelphia, vice Frederick Phile, deceased.

I also nominate John Randall, to be Collector for the district of Annapolis, and Inspector of the Revenue for the port of Annapolis, vice Robert Denny, who declined accepting.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

MONDAY, DECEMBER 30, 1793.

The Senate took into consideration the message of the President of the United States, of the 27th instant, containing nominations of persons to fill

the offices annexed to their names respectively; which offices have fallen vacant during the recess of the Senate; and

Resolved, That the Senate do advise and consent to the appointments agreeable to the nominations, respectively; except to that of Philip Bradley, of Connecticut—postponed on supposition of a mistake in the Christian name Philip, for Philip Burr.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, DECEMBER 31, 1793.

On motion—The message of the President of the United States, of 13th February, 1793, was considered; and, after debate,

Resolved, That the Senate will, on Tuesday next, resume the consideration of the treaty made with the Illinois and Wabash tribes of Indians, on 27th September, 1792; and that the Secretary do cause a copy of this resolution to be delivered to the President of the United States.

WEDNESDAY, JANUARY 1, 1794.

A written message was received from the President of the United States, by Mr. Dandridge, his Secretary, as follows:

UNITED STATES, *January 1st, 1794.*

Gentlemen of the Senate:

I nominate Edmund Randolph to be Secretary of State for the United States; vice Thomas Jefferson, who has resigned.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

THURSDAY, JANUARY 2, 1794.

The Senate took into consideration the message from the President of the United States, of the 1st instant, nominating Edmund Randolph to be Secretary for the department of State; and

Resolved, That they advise and consent to the appointment, conformable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

A written message from the President of the United States, by Mr. Dandridge, his Secretary.

UNITED STATES, *January 2d, 1794.*

Gentlemen of the Senate:

I nominate Philip Burr Bradley, of Connecticut, to be Marshal of and for the Connecticut district, continued—the legal term of his former appointment having expired.

Go. WASHINGTON.

On motion,

It was agreed, by unanimous consent, that the rule be at this time dispensed with, and that the message be now taken into consideration.

Resolved, That the Senate advise and consent to the appointment, agreeable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, JANUARY 7, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, *January 6th, 1794.*

Gentlemen of the Senate:

I herewith transmit the copy of a letter from the Secretary of War, stating the circumstances which have hitherto prevented any explanation of the fourth article of the treaty with the Wabash Indians.

Go. WASHINGTON.

The message and letter therein referred to were severally read.

Ordered, That they lie for consideration.

Agreeable to the order of the day, the Senate resumed the consideration of the message of the President of the United States, of 13th February, 1793, respecting the 4th article of the treaty made by General Putnam, on behalf of the United States, with the Wabash and Illinois tribes of Indians.

On motion,

That the Senate adopt the following order:

Ordered, That the further consideration of the treaty made by General Rufus Putnam, with the Wabash and Illinois Indians, be postponed till the next session of Congress; and that, in the mean time, the President be requested to cause an explanation of the 4th article to be negotiated with the said Indians, reserving the pre-emption right of the United States to the lands of the Indians, conformably with the idea suggested by him in his message of the 13th February, 1793.

And after debate the Senate adjourned.

WEDNESDAY, JANUARY 8, 1794.

The Senate resumed the consideration of the motion made yesterday, respecting the 4th article of the treaty of peace made by General Putnam, on behalf of the United States, with the Wabash and Illinois tribes of Indians.

On motion,

To divide the motion, and to adopt the following clause:

Ordered, That the further consideration of the treaty made by General Rufus Putnam, with the Wabash and Illinois Indians, be postponed till the next session of Congress.

A motion was made to amend the clause, and to erase the words *the next session of Congress*, and insert *to-morrow*.

Which motion passed in the negative.

On motion,

To adopt the clause last recited, without amendment,

It passed in the negative, { Yeas, 11,
{ Nays, 13.

The yeas and nays being required by one fifth of the Senators present:

Those who voted in the affirmative, are,
 Mr. Bradford, Mr. Foster, Mr. Langdon, Mr. Strong, and
 Cabot, Izard, Mitchell, Vining.
 Ellsworth, King, Morris,

Those who voted in the negative, are,
 Mr. Bradley, Mr. Edwards, Mr. Jackson, Mr. Monroe,
 Brown, Frelinghuysen, Livermore, Rutherford,
 Burr, Gallatin, Martin, Taylor.
 Butler,

A motion to ratify the treaty was superseded by the motion for adjournment.

THURSDAY, JANUARY 9, 1794.

The Senate resumed the consideration of the treaty of peace made by Gen. Putnam, on behalf of the United States, with the Wabash and Illinois tribes of Indians.

On motion to adopt the following resolution:

Resolved, That the treaty concluded at Post Vincents, on the twenty-seventh day of September, one thousand seven hundred and ninety-two, between Brigadier General Rufus Putnam, on the part of the United States, and the kings, chiefs, and warriors of the Wabash and Illinois tribes of Indians, on the part and behalf of the said tribes, be *accepted*. Provided, nevertheless that neither this treaty, nor any article or clause therein contained, shall ever be construed as a relinquishment of the pre-emptive right which the United States have to all and singular the Indian lands within the territory of the United States. And the President of the United States is hereby advised to ratify the same treaty accordingly.

A motion was made to divide the question as far as the word *accepted*, and after debate, it was agreed to postpone these motions, and to take up the following:

Resolved, That the Senate do consent to the treaty entered into at Post Vincents, on the 27th day of September, 1792, between Rufus Putnam, on the part of the United States, and the kings, chiefs, and warriors of the Wabash and Illinois Indians, and that they do advise the President of the United States to ratify the same.

And on the question to agree to this resolution,

It passed in the negative, { Yeas, 4,
 { Nays, 21.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Mr. Cabot, Mr. Ellsworth, Mr. Foster, Mr. Strong.

Those who voted in the negative, are,

Mr. Bradford,	Mr. Frelinghuysen,	Mr. King,	Mr. Monroe,
Bradley,	Gallatin,	Langdon,	Robinson,
Brown,	Hawkins,	Livermore,	Rutherford,
Burr,	Jackson,	Martin,	Taylor, and
Butler,	Izard,	Mitchell,	Vining.
Edwards,			

Ordered, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, JANUARY 22, 1794.

A communication was received from the Secretary for the Department of War, together with letters from James Seagrove, announcing a treaty of peace with the Creek Indians.

FRIDAY, JANUARY 24, 1794.

A motion was made, that the President of the United States be requested to lay before the Senate, the correspondences of the Minister of the United States with the Republic of France, and with the Secretary for the Department of State.

A message in writing was received from the President of the United States, by Mr. Dandridge, his Secretary, as follows:

UNITED STATES, *January 24th, 1794.*

Gentlemen of the Senate:

I nominate William Bradford, of Pennsylvania, to be Attorney General for the United States, vice Edmund Randolph, appointed Secretary of State; and Ray Green, of Rhode Island, to be Attorney for the United States, in the District of Rhode Island, vice William Channing, deceased.

Go. WASHINGTON.

The message was read; and

Ordered, That it lie for consideration.

MONDAY, JANUARY 27, 1794.

The Senate took into consideration the message of the President of the United States, of the 24th instant, and the nominations therein contained, of William Bradford, of Pennsylvania, to be Attorney General for the United States; and of Ray Green, of Rhode Island, to be Attorney for the United States, in the District of Rhode Island; and

Resolved, That the Senate advise and consent to the appointments, conformable to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, JANUARY 29, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, *January 29th, 1794.*

Gentlemen of the Senate:

I nominate John Boyd, of Northumberland, to be Inspector of the Revenue, for Survey No 2, in the District of Pennsylvania, vice James Collins; and John Driver, of Virginia, to be Surveyor for the port of Suffolk, and Inspector of the Revenue for the same port, vice Samuel Reddick, resigned.

Go. WASHINGTON.

The message was read; and

Ordered, That it lie for consideration.

THURSDAY, JANUARY 30, 1794.

The Senate took into consideration the message of the President of the United States, of the 29th instant, nominating John Boyd and John Driver to offices therein named; and

Resolved, That the Senate advise and consent to the appointments, conformable to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

THURSDAY, FEBRUARY 6, 1794.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the payment notified by the President of the United States, in his message of the 30th of December last, to have been made, be approved; and that the President be authorized to make further advances on the same account, as he may judge expedient, not exceeding in the whole the amount which might be claimed of the United States on the principles stated in the message.

FRIDAY, FEBRUARY 14, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, February 14th, 1794.

Gentlemen of the Senate:

I nominate Edwards St. Loe Livermore, of New Hampshire, to be Attorney for the United States, in the District of New Hampshire, vice Samuel Sherburne, Junior, resigned.

Go. WASHINGTON.

The message was read; and

Ordered, That it lie for consideration.

MONDAY, FEBRUARY 17, 1794.

The Senate proceeded to the consideration of the message of the President of the United States, nominating

Edwards St. Loe Livermore, of New Hampshire, to be Attorney for the United States in the District of New Hampshire.

Resolved, That the Senate advise and consent to the appointment accordingly.

Ordered, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, MARCH 5, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary, and read:

UNITED STATES, March 5th, 1794.

Gentlemen of the Senate:

I nominate Josiah Tatnall, of Georgia, to be Marshal of and for the Georgia District, vice Robert Forsyth, deceased; and

Lawrence Muse, of Virginia, to be Collector for the District of Tappahannock, and Inspector of the Revenue for the port of Tappahannock, vice Hudson Muse, superseded.

Go. WASHINGTON.

Ordered, That the message lie for consideration.

THURSDAY, MARCH 6, 1794.

The Senate proceeded to the consideration of the message of the President of the United States, of the 5th instant, and the nominations therein contained, of

Josiah Tatnall, of Georgia, to be Marshal of and for the Georgia District, and of Lawrence Muse, of Virginia, to be Collector for the District of Tappahannock, and Inspector of the Revenue for the port of Tappahannock.

Resolved, That the Senate advise and consent to their appointments, conformable to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, MARCH 18, 1794.

On motion,

Ordered, That the Secretary of the Senate pay no further compensation to the printers for the weekly publication of the journals.

THURSDAY, APRIL 3, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, April 3d, 1794.

Gentlemen of the Senate:

I nominate Albion Cox to be Assayer for the Mint of the United States.

Go. WASHINGTON.

The message was read; and

Ordered, That it lie for consideration.

FRIDAY, APRIL 4, 1794.

The Senate proceeded to the consideration of the message of the President of the United States, of the 3d instant, nominating

Albion Cox to be Assayer for the Mint; and

Resolved, That they advise and consent to the appointment, conformable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, APRIL 15, 1794.

A motion was made that the Senate adopt the following resolution:

Resolved, by the Senate and House of Representatives of the United States, in Congress assembled, That the citizens of the said States are entitled, by actual treaties, as well as from natural right, to the free navigation

of the river Mississippi to the Ocean, and that the President be, and he is hereby, advised and requested to continue the negotiations, in the most urgent manner, with the Court of Spain, for a peaceable establishment thereof: and to convince both our desire to maintain friendship and amity with all nations, and also to cultivate an interchangement of good offices with those who are our neighbors.

Resolved, That the President be also advised and requested to propose to the Court of Spain, upon the most liberal principles, commercial regulations touching the said navigation, for the purpose of securing to that nation the undisturbed enjoyment thereof, so far as their rights extend, of establishing some free port for the Americans near the mouth of the Mississippi, and even of granting to the Spaniards the free navigation of said river into the territory of the United States, so as to consult the interest, comfort, and prosperity of the two nations.

Ordered, That this motion lie for consideration.

WEDNESDAY, APRIL 16, 1794.

The Senate resumed the consideration of the motion made yesterday, respecting the opening of the navigation of the Mississippi.

Ordered, That it be referred to Mr. Ellsworth, Mr. King, Mr. Strong, Mr. Brown, and Mr. Gunn, to consider and report thereon to the Senate.

The following written messages were received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, April 16th, 1794.

Gentlemen of the Senate:

The communications which I have made to you during your present session, from the despatches of our Minister in London, contain a serious aspect of our affairs with Great Britain. But as peace ought to be pursued with unremitting zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, is contemplated; I have thought proper to nominate, and do hereby nominate, John Jay, as Envoy Extraordinary of the United States, to his Britannic Majesty.

My confidence in our Minister Plenipotentiary in London, continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world a solicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an Envoy will carry with him a full knowledge of the existing temper and sensibility of our country, and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity.

Go. WASHINGTON.

UNITED STATES, April 16th, 1794.

Gentlemen of the Senate:

I nominate Richard Harrison, Attorney for the District of New York, to be Judge of the District of New York, vice James Duane, who has resigned.

Go. WASHINGTON.

The messages were severally read.

Ordered, That the messages severally lie for consideration.

THURSDAY, APRIL 17, 1794.

The Senate took into consideration the nomination of John Jay to be Envoy Extraordinary to the Court of London, made in the message of the President of the United States, of the 16th instant.

And on motion to postpone the nomination, for the purpose of taking into consideration the following:

Ordered, That the Secretary of State lay before Senate a copy of Mr. Jay's report of the 17th of October, 1786, upon a letter of Mr. Adams, then Minister at the Court of Great Britain, of the 4th of March, of the same year.

It passed in the negative.

On motion,

That previous to going into the consideration of the nomination of a special Envoy to the Court of Great Britain, the President of the United States be requested to inform Senate of the whole business with which the proposed Envoy is to be charged.

It passed in the negative.

And, after debate, adjourned.

FRIDAY, APRIL 18, 1794.

The Senate resumed the consideration of the nomination of John Jay, to be Envoy Extraordinary to the Court of London.

On motion,

It was agreed to postpone the consideration, for the purpose of considering the resolution respecting the continuance of the embargo.

On motion further to postpone the consideration of the nomination of Mr. Jay as Envoy Extraordinary to his Britannic Majesty, for the purpose of passing on the bill establishing the Post Office and Post Roads:

It passed in the negative.

On motion to postpone the further consideration thereof until Monday next,

It passed in the negative.

On motion,

Resolved, That the President of the United States be requested to cause to be laid before the Senate the reports of John Jay to Congress while Secretary of Foreign Affairs, and in case the books in which the same are recorded are transmitted to the Senate, that the same be returned by the Secretary of the Senate to the office of the Secretary of State.

Ordered, That the Secretary lay this resolution before the President of the United States.

SATURDAY, APRIL 19, 1794.

The Vice-President laid before the Senate a letter from the Secretary for the Department of State, accompanying the reports of John Jay while Secretary of Foreign Affairs, in pursuance of the resolution of the 18th instant, requesting the President of the United States to that purpose; which letter was read.

The Senate resumed the consideration of the message from the President of the United States, of the 16th instant, containing the nomination of John Jay to be Envoy Extraordinary of the United States to his Britannic Majesty.

On motion

To postpone the consideration of the nomination, for the purpose of considering the following motion:

Resolved, That any communications to be made to the Court of Great Britain may be made through our Minister now at that Court, with equal facility and effect, and at much less expense, than by an Envoy Extraordinary; and that such an appointment is at present inexpedient and unnecessary.

That to permit Judges of the Supreme Court to hold at the same time any other office or employment, emanating from and holden at the pleasure of the Executive, is contrary to the spirit of the Constitution, and, as tending to expose them to the influence of the Executive, is mischievous and impolitic.

It passed in the negative, { Yeas, 10,
{ Nays, 17.

The yeas and nays being requested by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Mr. Brown,	Mr. Edwards,	Mr. Martin,	Mr. Robinson, and
Burr,	Gunn,	Monroe,	Taylor.
Butler,	Hawkins,		

Those who voted in the negative, are,

Mr. Bradford,	Mr. Frelinghuysen,	Mr. King,	Mr. Potts,
Bradley,	Henry,	Langdon,	Rutherford,
Cabot,	Jackson,	Livermore,	Strong, and
Ellsworth,	Izard,	Morris,	Vining.
Foster,			

On motion to agree to the nomination,

It passed in the affirmative, { Yeas, 18,
{ Nays, 8.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Mr. Bradford,	Mr. Frelinghuysen,	Mr. King,	Mr. Potts,
Bradley,	Gunn,	Langdon,	Rutherford,
Cabot,	Henry,	Livermore,	Strong, and
Ellsworth,	Jackson,	Morris,	Vining.
Foster,	Izard,		

Those who voted in the negative, are,

Mr. Brown,	Mr. Butler,	Mr. Hawkins,	Mr. Monroe, and
Burr,	Edwards,	Martin,	Taylor.

So it was

Resolved, That the Senate do advise and consent to the appointment of John Jay to be Envoy Extraordinary of the United States to his Britannic Majesty, agreeable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

A motion was made, as follows:

Resolved, That upon all executive business the minority on any question may enter their reasons on the journals.

Ordered, That this motion lie for consideration.

The Senate took into consideration the message from the President, of the United States, of the 16th instant, containing the nomination of Richard Harrison, Attorney for the district of New York, to be Judge of the district of New York, vice James Duane, who has resigned.

And, after debate,

Ordered, That the further consideration thereof be postponed.

EXECUTIVE JOURNAL.

MONDAY, APRIL 21, 1794.

The Senate resumed the consideration of the motion, made the nineteenth instant, that it be

Resolved, That upon all Executive business the minority on any question may enter their reasons on the journals.

And on the question to agree to this resolution, it passed in the negative.

On motion,

Ordered, That any member requesting it, may have a copy of the executive proceedings of Senate, on the nomination of Mr. Jay to be Envoy Extraordinary to his Britannic Majesty.

MONDAY, MAY 5, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, May 5th, 1794.

Gentlemen of the Senate:

Since the nomination of Richard Harrison, as Judge of the district of New York, he has requested me to withdraw his name. Having informed myself through the channel marked out by the Senate, in their resolution of the 27th January, 1792, for the communication of their executive proceedings to the President, that the nomination is not decided, I therefore withdraw the same, and nominate

John Lawrance, to be Judge of the district of New York.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

TUESDAY, MAY 6, 1794.

The Senate took into consideration the message of the President of the United States, of the 5th instant, nominating

John Lawrance, to be Judge of the district of New York; and

Resolved, That they advise and consent to the appointment, conformable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

FRIDAY, MAY 9, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, May 9th, 1794.

Gentlemen of the Senate:

I nominate the following persons for promotions and appointments in the Legion of the United States:

Cavalry.

William Winston, Major, 17th July, 1793, vice Rudulph, resigned.
 Tarleton Fleming, Captain, 1st May, 1793, vice Bowyer, resigned.
 Solomon Van Rensselaer, Captain, 17th July, 1793, vice Winston, promoted.
 James Taylor, Captain, 20th February, 1794, vice Lee, cashiered.
 John Webb, Lieutenant, 1st May, 1793, vice Fleming, promoted.
 George H. Dunn, ditto, 17th July, 1793, vice Van Rensselaer, promoted.
 Abraham Jones, ditto, 20th February, 1794, vice Taylor, promoted.

Artillery.

George Ingersol, Captain, 2d April, 1793, vice McLane, resigned.

First Sub-Legion.

Thomas H. Cushing, Major, 3d March, 1793, vice Armstrong, entitled to promotion, and resigned.
 James Clay, Captain, 5th December, 1793, vice Prati, resigned.
 Daniel Butt, ditto, 13th December, 1793, vice Melcher, resigned.
 Hamilton Armstrong, Captain, 20th February, 1794, to fill the vacancy left for John Morgan, in case of acquittal, but who was dismissed by sentence of a general court martial.
 Henry Montfort, Lieutenant, 5th December, 1793, vice Clay, promoted.
 Jacob Kreemer, ditto, 13th December, 1793, vice Butt, promoted.
 Daniel Bissell, ditto, 3d January, 1794, vice Bond, resigned.
 Charles Hyde, ditto, 20th February, 1794, vice Armstrong, promoted.

Second Sub-Legion.

Samuel Andrews, Captain, 3d March, 1793, vice Cushing, promoted.
 Daniel Tilton, jun. ditto, 1st October, 1793, vice Shaylor, promoted.
 Edward D. Turner, ditto, 11th November, 1793, vice Tillinghast, entitled to promotion, and resigned.
 Theodore Sedgwick, Captain, 29th December, 1793, vice McDonough, cashiered, entitled from 24th October, vice Bird, resigned; entitled to promotion, from 28th February, 1793, vice Robertis, promoted.
 John Sullivan, Captain, 20th March, 1794, vice Haskell, promoted.
 Isaac Younghusband, Lieutenant, 21st February, 1793, vice Tillinghast, entitled to promotion, and resigned.
 Samuel Drake, Lieutenant, 28th February, 1793, vice Bird, entitled to promotion, and resigned.
 Peter Shoemaker, Lieutenant, 3d March, 1793, vice Andrews, promoted.
 Jesse Lukens, Lieutenant, 1st October, 1793, vice Tilton, promoted.
 John Michael, ditto, 1st May, 1794.
 Nanning J. Vischer, ditto, 1st May.
 Robert Lee, ditto, 1st May.
 Archibald Gray, ditto, 1st May.
 Charles Lewis, ditto, 1st May.

The oldest Ensigns in the respective Sub-Legions, taken to supply the deficiency of lieutenants in this Sub-Legion.

Third Sub-Legion.

Henry Gaither, Lieutenant Colonel Commandant, 1st October, 1793, vice John Smith, entitled to promotion, and resigned.
 Richard Brooke Roberts, Major, 28th February, 1793, vice Bedinger, resigned.
 Joseph Shaylor, Major, 1st October, 1793, vice Gaither, promoted.
 John Read, Captain, 12th November, 1793, vice Kerr, resigned.

William Rickard, ditto, 30th January, 1794, vice Faulkner, resigned.
 Samuel Tinsley, ditto, 9th February, 1794, vice Cummins, cashiered.
 Peter Marks, Lieutenant, 10th Sept., 1793, vice William Smith, cashiered.
 Charles Wright, ditto, 12th November, 1793, vice Read, promoted.
 Andrew Shanklin, do. 30th January, 1794, vice Richard, promoted.
 Samuel Davidson, do. 9th February, 1794, vice Tinsley, do.
 Hartman Leithcizer, do. 23d February, vice Huston, deceased.

Fourth Sub-Legion.

Jonathan Haskell, Major, 20th March, 1794, vice Ballard Smith, deceased.
 Robert Thompson, Captain, 19th April, 1793, vice Buchanan, resigned.
 Maxwell Bines, do. 10th February, 1794, vice Carberry, do.
 Jonathan Taylor, Lieutenant, 26th March, 1793, vice Steedman, resigned.
 Robert Purdy, do. 19th April, 1793, vice Thompson, promoted.
 Campbell Smith, do. 10th September, 1793, vice Jennifer, dismissed.
 Hugh Brady, do. 10th February, 1794, vice Bines, promoted.
 Stephen Trigg, do. 3d March, 1794, vice Glenn, resigned.

The promotions and resignations occasion a vacancy of three Cornets, one Lieutenant of Artillery, and thirty-seven Ensigns; to fill which, the following nominations are made. The arrangements to the several Sub-Legions will take place after advices shall be received of the acceptance of the appointments.

Cornets.

John Posey, to take rank from 1st May, 1793, Virginia.
 William H. Blew, do. 17th July, 1793, Virginia.
 Matthias Slough, jr. do. Pennsylvania.

Lieutenant Artillery.

Frederick Dalcho, Maryland.

Ensigns.

William Dangerfield, to take rank from 1st May, 1793, acting as Ensign under General Wayne.

Thomas Swaine, Joseph Campbell, Richard Chandler, Rezin Webster, and Samuel Doll; serving as volunteers with Major General Wayne.

George Sullivan, New Hampshire.	John Martin, Pennsylvania.
John McClary, do.	William Smallwood Grayson, Virginia.
X Jonathan Jackson, Massachusetts.	David Thompson, do.
X Samuel Bradley, do.	George Strother, do.
X Epaphras Hoyt, do.	Thomas Lewis, do.
Benjamin Rand, do.	Henry Boyer, do.
Henry Sterling, Rhode Island.	Thomas Bodley, Kentucky.
Ephraim Carpenter, Connecticut.	William Smith, do.
David Fero, jr. New York.	William McCarrell, North Carolina.
James Richmond, jr. New Jersey.	Hugh McCall, South Carolina.
Nicholas Rosecrants, Pennsylvania.	Daniel McIntosh, Georgia.
X Jonathan Hoge, do.	Edwin Harris, do.
Robert Semple, jr. do.	Samuel Speak, N. Western Territory.
James Nicholas, do.	Peter Frothingham, do.
William Cox, Maryland.	Samuel Fulton, S. Western Territory.
Abraham Faulkner, jr. do.	

Go. WASHINGTON.

'The message was read.

Ordered, That it lie for consideration.

MONDAY, MAY 12, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, *May 12th, 1794.*

Gentlemen of the Senate:

I nominate the following persons for appointments upon the staff of the Legion of the United States:

Second Sub-Legion, Major, John Mills, Adjutant and Inspector, vice Rudolph, resigned.

Pennsylvania, David Jones, Chaplain, vice Hurt, resigned.

Delaware, Thomas Van Dyke, Surgeon's Mate, vice Clayton, resigned.

Georgia, Samuel Hanson Marlow, do. vice Boyd, deceased.

Pennsylvania, John Cornman, do. vice Hutchins, resigned.

New York, William Lawton, do. vice Dalcho, nominated as Lieutenant of Artillery.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

The Senate proceeded to the consideration of the message of the President of the United States, of the 9th instant, containing the nominations of persons for promotions and appointments in the Legion of the United States.

Resolved, That the Senate advise and consent to their appointments, conformable to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, MAY 13, 1794.

The Senate took into consideration the message of the President of the United States, of the 12th instant, containing the nominations of John Mills, and others, for appointments upon the staff of the Legion of the United States.

Resolved, That the Senate advise and consent to their appointments, conformable to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

MONDAY, MAY 19, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, *May 19th, 1794.*

Gentlemen of the Senate:

I nominate Nicholas Way, of State of Delaware, to be Treasurer of the Mint of the United States, vice Tristram Dalton, who has resigned.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

TUESDAY, MAY 20, 1794.

The Senate took into consideration the message of the President of the United States, of the 19th instant, and the nomination therein contained of Nicholas Way, to be Treasurer of the Mint of the United States; and

Resolved, That they advise and consent to the appointment, agreeably to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, MAY 27, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, May 27th, 1794.

Gentlemen of the Senate:

The Executive Provisory Council of the French Republic having requested me to recal Gouverneur Morris, our Minister Plenipotentiary in France; I have thought proper, in pursuance of that request, to recal him. I therefore nominate

James Monroe, of Virginia, as Minister Plenipotentiary of the United States, to the said Republic.

I also nominate William Short, now Minister resident for the United States with their High Mightinesses, the States General of the United Netherlands, to be Minister resident for the United States to his Catholic Majesty, in the room of William Carmichael, who is recalled.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

WEDNESDAY, MAY 28, 1794.

The Senate proceeded to the consideration of the message of the President of the United States, of the 27th instant, and the nominations therein contained, of

James Monroe, to be Minister Plenipotentiary of the United States to the French Republic; and William Short, to be Minister resident for the United States to his Catholic Majesty; and

Resolved, That they advise and consent to the appointments, conformable to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, May 28th, 1794.

Gentlemen of the Senate:

I nominate the following persons to be Consuls and Vice-Consuls for the United States of America, at the places affixed to their names, respectively.

James Simpson, to be Consul for the United States of America, at the port of Gibraltar, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

Philip Marck, to be Consul for the United States of America, in Franconia, in Germany.

Peter Feliechy, to be Consul for the United States of America, at the port of Leghorn, and for such other places as shall be nearer to the said port, than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

Arnold Delius, to be Consul for the United States of America, at Breinen.

William McCarty, to be Consul for the United States of America, in the Isle of France.

John Culnan, to be Consul for the United States of America, at the port of Oratava, in Teneriffe, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

Sylvanus Bourne, to be Vice-Consul for the United States of America, at the port of Amsterdam, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

P. F. Dobree, to be Vice-Consul for the United States of America, at the port of Nantz, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

Joseph Wilson, to be Consul for the United States of America, at the port of Dublin, and for such other places as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same allegiance.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

THURSDAY, MAY 29, 1794.

The Senate took into consideration the message of the President of the United States, of the 28th instant, containing the nominations of persons to be Consuls and Vice-Consuls for the United States of America, at the places affixed to their names respectively; and

Resolved, That they advise and consent to their appointments, conformable to the respective nominations.

Ordered, That the Secretary lay this resolution before the President of the United States.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, May 29th, 1794.

Gentlemen of the Senate:

I nominate John Quincy Adams, of Massachusetts, to be Minister resident of the United States of America, to their high Mightinesses, the States General of the United Netherlands.

On the 19th day of February, 1793, a nomination was made of Edward Fox, as Consul of the United States of America, for the port of Falmouth, in Great Britain. It now appears that the name of the person intended to be nominated is Robert Weare Fox. I therefore nominate the said Robert Weare Fox, to be Consul of the United States of America, for the port of Falmouth, in the kingdom of Great Britain, and for such other parts of the said kingdom as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States, within the same kingdom.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

FRIDAY, MAY 30, 1794.

The Senate proceeded to the consideration of the message of the President of the United States, of the 29th instant, containing the nominations of John Quincy Adams, to be Minister resident of the United States of America, to their high Mightinesses the States General of the United Netherlands; and

Robert Weare Fox, to be Consul of the United States of America, for the port of Falmouth, in the kingdom of Great Britain; and

Resolved, That the Senate advise and consent to their appointments, agreeable to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

SATURDAY, MAY 31, 1794.

Two written messages were received from the President of the United States, by Mr. Dandridge, his Secretary, as follows:

UNITED STATES, May 31st, 1794.

Gentlemen of the Senate:

I nominate the following persons, as Company Officers and Surgeon and Surgeons' Mates in the Corps of Artillerists and Engineers.

The nomination of the Field Officers is suspended for the present.

Captains.

1 Griffith M'Cree, North Carolina.	7 Timothy Pickin, Jr. Connecticut.
2 Richard S. Blackburn, Virginia.	8 George Taylor, Pennsylvania.
3 James Bruff, Maryland.	9 James Gamble, do.
4 Alexander Thompson, New York.	10 William Littlefield, Rhode Island.
5 William Morris, do.	11 Frederick Frye, Massachusetts.
6 Decius Wadsworth, Connecticut.	12 Benj. Williamson, New Jersey.

Lieutenants.

1 Joseph R. Yates, New York.	14 William Cox, promoted from Ensigns lately appointed.
2 John M'Clelland, New York.	15 Charles Harrison, do.
3 Silas Dinsmore, New Hampshire.	16 Wm. Smallwood Grayson, do.
4 John Parker Hales, do.	17 Henry E. Coleman, Virginia.
5 Simon Geddes, Delaware.	18 Carey M. Carter, Virginia.
6 Nehemiah Freeman, Mass.	19 William Barton, Jr. R. Island.
7 Nathaniel Drinkwater, do.	20 James Habersham, Jr. Georgia.
8 Thomas Hutchins, Pennsylvania.	21 John P. Ripley, New Hampshire.
9 James Sterritt, do.	22 Robert Rowan, North Carolina.
10 William B. Smith, Maryland.	23 Jonathan Robertson, do.
11 Benjamin Wall, Georgia.	24 Henry Muhlenburg, Penn.
12 George Izard, South Carolina.	
13 Noel Bartholomew Monvel, North Western Territory.	

Surgeon.

Charles Brown.

Surgeons' Mates.

1 Nathaniel G. Coffin, Massachusetts.	3 Francis G. Brewster, N. Jersey.
2 John R. Lynch, New York.	4 Richard Griffith, Delaware.

Appointments to fill up vacancies of Ensigns nominated to be Lieutenants of Artillery.

Aaron Catlin, Connecticut, vice William Cox.

Robert Torrans, South Carolina, vice Charles Harrison.

Samuel Allison, Virginia, vice William Smallwood Grayson.

Go. WASHINGTON.

UNITED STATES, May 31st, 1794.

Gentlemen of the Senate:

I nominate Thomas Glasscock, of Georgia, to be Marshal of and for the District of Georgia, vice Josiah Tatnall, who declines accepting that appointment; and

William M'Clung, of Kentucky, to be Attorney for the United States in the District of Kentucky, vice John Brackenridge, who declines accepting that appointment.

Go. WASHINGTON.

The messages were severally read.

Ordered, That they lie for consideration.

MONDAY, JUNE 2, 1794.

The Senate proceeded to consider the nominations made in the message of the President of the United States, of the 31st of May, of the Company Officers, Surgeons and Surgeons' Mates of the corps of Artillerists and Engineers; and

Resolved, That they advise and consent to the appointments, agreeable to the nominations respectively, except Alexander Thompson, which was postponed for further information.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate took into consideration the message of the President of the United States, of the 31st of May, nominating Thomas Glasscock, of Georgia, and William McClung, of Kentucky, to offices therein mentioned.

On motion,

Ordered, That the nomination of Thomas Glasscock be postponed.

Resolved, That the Senate advise and consent to the appointment of William McClung, to be Attorney for the United States in the district of Kentucky, agreeable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, JUNE 3, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, June 3d, 1794.

Gentlemen of the Senate:

I nominate the following persons to be Captains of the ships to be procured in pursuance of the act to provide "a naval armament." The assistance of these officers will be necessary in the building of the said ships, but the other officers will not be required until the ships shall be nearly completed.

John Barry, Samuel Nicholson, Silas Talbot, Joshua Barney, Richard Dale, and Thomas Truxton.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

The Senate resumed the consideration of the nomination of Alexander Thompson to be Captain in the corps of Artillerists and Engineers, contained in the message of the President of the United States, of the 31st instant; and

Resolved, That they advise and consent to his appointment, agreeable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, JUNE 4, 1794.

The Senate proceeded to consider the nominations contained in the message of the President of the United States, of the third instant, of John Barry, Samuel Nicholson, Silas Talbot, Joshua Barney, Richard Dale, and Thomas Truxton, to be Captains of the ships to be procured in pursuance of the act to provide "a naval armament;" and

Resolved, That the Senate advise and consent to their appointment, agreeable to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

THURSDAY, JUNE 5, 1794.

The Senate proceeded to the consideration of the message of the President of the United States, of the 31st of May last, containing the nomination of Thomas Glasscock to be Marshal of and for the district of Georgia.

Resolved, That the Senate advise and consent to his appointment, agreeable to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

SATURDAY, JUNE 7, 1794.

The following written message was received from the President of the United States, by Mr. Dandridge, his Secretary:

UNITED STATES, June 7th, 1794.

Gentlemen of the Senate:

I nominate Amos Marsh, to be Attorney of the United States in the district of Vermont, vice Stephen Jacobs, resigned.

Jabez G. Fitch, to be Marshal of the district of Vermont, vice Lewis R. Morris, resigned; and

Alexander Duvernet, to be Vice-Consul for the United States at Paris.

Go. WASHINGTON.

The message was read.

Ordered, That it lie for consideration.

MONDAY, JUNE 9, 1794.

The Senate took into consideration the message of the President of the United States, of the 7th instant, and the nominations therein contained, of Amos Marsh, to be Attorney for the United States in the district of Vermont; of

Jabez G. Fitch, to be Marshal of the district of Vermont; and of Alexander Duvernet, to be Vice-Consul for the United States at Paris,

Resolved, That the Senate advise and consent to their appointments, agreeable to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

Attest:

SAM: A. OTIS, *Secretary.*

END OF THE EIGHTH SESSION.